



U.S. Department of Justice

*United States Attorney
District of Hawaii*

PJHK Federal Building (808) 541-2850
300 Ala Moana Blvd. FAX (808) 541-2958
Room 6-100
Honolulu, Hawaii 96850

July 27, 2006

(HAND-DELIVERED)

Michael Jay Green, Esq.
Denise M. Hevicon, Esq.
345 Queen Street, Second Floor
Honolulu, HI 96813

Re: Bruno, et al. v. Au, et al.
Civil No. 03-00567 DAE BMK

Dear Counsel:

This will follow up on my discussion with Denise Hevicon yesterday. Please provide all relevant information regarding the scope of your authority to settle this matter on behalf of plaintiff Christopher Gahr. This would include all written materials between your office and Mr. Gahr related to your authority, and an account of any conversations between anyone in your office and Mr. Gahr regarding settlement. If any other plaintiff asserts that the settlement is not binding, please provide the same information for him. It has long been settled that information on the scope of an attorney's settlement authority is not protected by the attorney-client privilege. Diversified Development & Inv., Inc. v. Heil, 889 P.2d 1212, 1218, 119 N.M. 290, 296 (1995); Peters v. Wallach, 366 Mass. 622, 321 N.E.2d 806 (1975) (collecting numerous cases).

Because the government must decide very shortly whether to move to enforce the settlement agreement reached two weeks ago, time is of the essence in your response to this request. I therefore ask that you get back to me with all responsive materials, or with a written response explaining why you are withholding such materials, by the close of business on Monday, July 31. This request is made under Rule 37.1 of the Local Rules, requiring a good-faith effort to resolve discovery disputes before seeking assistance from the court.

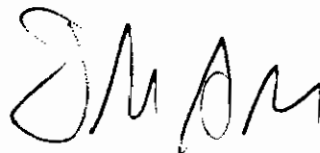
EXHIBIT "C"

Michael Jay Green, Esq.
Denise M. Hevicon, Esq.
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Thank you for your prompt attention to this matter.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

A handwritten signature in black ink, appearing to read 'THA', is positioned above the typed name of Thomas A. Helper.

THOMAS A. HELPER
Assistant U.S. Attorney

TAH:mp

cc: Annette Johnson, TSA
Marti Buxton, TSA